



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. CALIFORNIA LAW REVISION COMMISSION

NOTICE OF PROPOSED RULEMAKING

AMENDMENT OF CONFLICT OF INTEREST CODE

The California Law Revision Commission (Commission) proposes to amend Section 47002 of Chapter 26 of Division 8 of Title 2 of the California Code of Regulations, relating to disclosure categories under the Commission's Conflict of Interest Code.

AUTHORITY AND REFERENCE

Authority for the proposed action is found in Government Code Sections 87300 (requiring that every state agency adopt a Conflict of Interest Code) and 87306 (requiring amendment of a Conflict of Interest Code to account for changed circumstances).

The proposed action implements Government Code Section 87300 *et seq.*

INFORMATIVE DIGEST

Under the Commission's existing Conflict of Interest Code, economic interest disclosure requirements are governed in part by a list of persons and entities that may foreseeably be affected by a Commission decision concerning a topic on the Commission's Calendar of Topics Authorized for Study. This list must be amended as new topics are added to the Commission's Calendar of Topics Authorized for Study. This approach has proven inefficient. The proposed amendment would eliminate the list, resulting in a requirement that certain designated employees disclose all reportable economic interests.

Economic and Fiscal Effects

The proposed regulatory action would only affect the disclosure of economic interests by designated employees of the Commission, and therefore would not impose a mandate on local agencies or school districts, and would not cause any of the following:

- A cost or savings to state agencies.
- A cost or savings to local agencies or school districts.

- A cost or savings in federal funding to the state.
- A cost impact on private persons or on directly affected businesses.
- An economic impact on businesses, including the ability of California businesses to compete with businesses in other states.
- The creation or elimination of jobs, the creation or elimination of businesses, or the expansion of existing businesses.
- A significant effect on housing costs.

Consideration of Alternatives

In taking the proposed regulatory action, the Commission must determine that no alternative considered by the Commission would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to private persons than the proposed action.

Public Information and Input

Any interested person may submit written comments regarding the proposed regulatory action. All written comments must be received no later than October 31, 2000. Any interested person may submit a written request that the Commission hold a public hearing regarding the proposed regulatory action. Such a request must be received no later than October 16, 2000.

A statement of reasons for the proposed action, information on which the proposed action is based, and the full text of the proposed action are available on request. If changes are made to the full text of the proposed regulatory action, the modified text (with changes clearly indicated) will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation.

Inquiries or written comments regarding the proposed action and any request for a public hearing should be directed to:

Brian Hebert
California Law Revision Commission
3200 5th Avenue
Sacramento, CA 95817
bhebert@uop.edu
916-739-7017; Fax: 916-739-7382

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed

conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY:

San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy

MULTI-COUNTY:

AMENDMENT

STATE AGENCY:

Ca. Student Aid Commission

MULTI-COUNTY:

Chaffey Joint Union High School District

A written comment period has been established commencing on **September 1, 2000** and closing on **October 16, 2000**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 450, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 16, 2000**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result

from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND

RULE 1632, JOCKEY'S RIDING FEE

The California Horse Racing Board (Board) proposes to adopt the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1632, Jockey's Riding Fee (California Code of Regulations, Title 4, Division 4) to increase the jockey riding fees in the lower purse categories and those for losing mounts and to change the time of when a jockey's riding fee is considered earned from when the jockey leaves the paddock for the post to when the jockey weighs out with the clerk of scales.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, October 27, 2000**, or as soon thereafter as the business before the Board will permit, at **Arcadia City Hall, 240 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on October 16, 2000**. The Board will consider only comments received at the Board office by that time. Submit comments to:

Janet Bandy, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19401(a) & (e), 19440 and 19420, Business and Professions Code.

Business and Professions Code (B&P Code) Sections 19440 and 19562 authorize the Board to adopt the proposed regulation which would implement, interpret and make specific Sections 19401(e), 19440, and 19420 of the Business and Professions Code.

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

B&P Code Sections 19440 and 19562 authorize the board to adopt rules, regulations and conditions under which all horse races with wagering on their results shall be conducted. B&P Code Section 19401(e) states, in part, that the intent of Business and Professions Code Chapter 4, Horse Racing, is to allow pari-mutuel wagering on horse races, while providing uniformity of regulation for each type of horse racing. B&P Code Section 19440 states that responsibilities of

the Board shall include adopting rules and regulations for the protection of the public and the control of horseracing and pari-mutuel wagering. B&P Section 19420 states that jurisdiction and supervision over all persons and things having to do with the operation of horse racing meetings shall be vested in the Board.

Rule 1632, Jockey's Riding Fee, lists the jockey riding fees that are paid in the absence of a contract or special agreement. The Jockeys' Guild has requested that the rate scale in Rule 1632 be amended to correspond with the schedule adopted by the Association of Racing Commissioners International and the North American Pari-mutuel Regulators Association. The Guild submits that the rates for losing mounts have not been adjusted since the 1980's. The proposed amendment to Rule 1632 will increase the amounts paid in the lower purse categories and increase the amounts paid to losing mounts. In addition, the proposed amendment will also change when a jockey's fee is considered earned from when the jockey leaves the paddock for the post to when the jockey weighs out with the clerk of scales. This amendment will eliminate the problem of a jockey not being compensated when an accident beyond his control occurs in the paddock area that compels the jockey to withdraw from a race due to injury to himself or his mount.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states: None:

Potential cost impact on private persons or directly affected businesses: The potential cost impact on the combined total of all horse owners participating during one year of racing to pay the increase in jockey riding fees is estimated at \$286,000 (based on 1999 racing statistics). In turn, the combined total of all jockeys participating during one year of racing will receive an estimated \$286,000 in additional compensation. The potential cost impact to the combined total of all horse owners and jockeys participating during one year of racing as the result of paying jockey fees when the jockey weighs out with the clerk of scales (earlier in the racing day than when the jockey leaves the

paddock-the current rule) is considered to be insignificant since it would be infrequent that a jockey would be injured or a horse scratched from a race after the jockey weighs out.

Adoption of this regulation will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulation could affect small businesses if the owners are small businesses. The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(12), the Board must determine that no alternative it considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation; the initial statement of reasons; the modified text of the regulation, if any; or other information upon which the rulemaking is based should be directed to:

Janet Bandy, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6004

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial

statement of reasons. Copies may be obtained by contacting Janet Bandy at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text-with the changes clearly indicated-available to the public for at least 15 days before the Board adopts the regulation as revised. Requests for copies of any modified regulations should be sent to the attention of Janet Bandy at the address indicated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the following time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **October 19, 2000**, at 10:00 a.m. in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **October 19, 2000**, following the Public Meeting, in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Hearing, the Board will consider public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **October 19, 2000**, following the Public Hearing, in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

These meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to the Construction Safety Orders and General Industry Safety Orders in Title 8 of the California Code of Regulations, as indicated below, at its Public Hearing on October 19, 2000.

1. **TITLE 8: CONSTRUCTION SAFETY
ORDERS**
Chapter 4, Subchapter 4, Article 29
Sections 1714 and 1715
Precast Concrete Construction
2. **TITLE 8: GENERAL INDUSTRY SAFETY
ORDERS**
Chapter 4, Subchapter 7, Article 24
Section 3646(e)
Working From or On Top of an
Elevating Work Platform Guardrail

A description of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY
ORDERS**
Chapter 4, Subchapter 4, Article 29
Sections 1714 and 1715
Precast Concrete Construction

**INFORMATIVE DIGEST OF PROPOSED
ACTION/PLAIN ENGLISH OVERVIEW**

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative

Digest. However, the proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to the nonsubstantive revisions, the following actions are proposed:

Section 1714. Hoisting and Erecting of Precast, Prefabricated Panels.

The title to Section 1714 indicates to the reader that the following regulations apply to the hoisting and erection of precast, prefabricated panels. The title is proposed for revision to include a statement that tilt-up panels are not included in this regulation. This proposed revision will clearly indicate to the employer the type of panels that are addressed by the regulation.

Subsection (a).

Subsection (a) requires that a civil engineer currently registered in California prepare an erection plan and procedure. Included in subsection (a) are three subsections requiring the plan and procedure to be available at the job site; the responsible engineer or an authorized representative to make job-site inspections for compliance; and field modifications to be approved by the responsible engineer and added to the plan and procedure available at the site. A revision is proposed to insert the parenthetical phrase "the responsible engineer." This revision will clarify for the employer that the responsible engineer referenced throughout Section 1714 is intended to be a civil engineer currently registered in California.

New Subsection (a)(4).

A new subsection (a)(4) is proposed to require the employer to ensure that the precast wall or vertical panel bracing is designed by, and installed in accordance with the direction of, the responsible engineer. The proposed revision will have no effect on the regulated public as the provision is consistent with existing requirements in Section 1715(d).

New Subsection (a)(5).

A new subsection (a)(5) is proposed to require lifting methods and procedures to be conducted such that employees are not at risk of being struck by the panel or other supporting equipment. This proposal will require the employer to develop means or methods to ensure employees are not permitted to work under or in the proximity of the panel "footprint" during lifting and installation.

Subsection (b).

Existing subsection (b) requires the panel lifting line to remain attached until all attachments shown on the erection plan are installed. This language is proposed to be replaced with a requirement that lifting inserts must be capable of supporting at least four times the maximum intended load. The proposed revision will require the employer to ensure the lifting insert will support four times the weight of the panel being

hoisted. The proposed repeal of the existing language in subsection (b) will have no effect as revisions to subsection (d) will provide equivalent provisions to the repealed language.

New Subsection (c).

A new subsection (c) is proposed to require lifting hardware to be capable of supporting at least five times the maximum intended load. The proposed action will have no effect on the regulated public as the provision is consistent with the existing requirement in Section 1715(c).

New Subsection (d).

A new subsection (d) is proposed to require that precast concrete wall units and structural framing are to remain supported to prevent overturning and collapse until the permanent connections are completed. The proposed revision will add specificity to the regulation for the purpose of supporting the prefabricated precast panel.

Section 1715. Precast Concrete Construction, Including Tilt-Up.

The title to Section 1715 informs the reader that the following regulations apply to precast concrete construction, including tilt-up construction. A revision is proposed to reword the title to read "Tilt-Up Concrete Panel Construction." A revision is also proposed to replace the term "precast" with the term "tilt-up" throughout Section 1715. The proposed revisions clarify that Section 1715 is intended to apply to "tilt-up concrete construction."

Subsection (b).

Subsection (b) requires lifting hardware attached to precast members to be capable of supporting at least four times the maximum intended load applied or transmitted to them. Revisions are proposed to delete the phrase "other than the tilt-up members," and to revise the "at least four times" to "at least two times" the maximum intended load. These proposed revisions will permit the use of embedded or otherwise attached lifting hardware for tilt-up concrete panels to be designed to "at least two times" the maximum intended load.

Subsection (d).

Subsection (d) requires precast wall or vertical panel bracing to be designed and installed in accordance with the direction of a currently registered civil engineer to withstand a wind load of at least 10 pounds per square foot. Existing subsection (d) refers to Appendix Plate B-5, where a chart displays the corresponding force in pounds for wind speed. Revisions are proposed to require the bracing to be designed to withstand a minimum wind load induced force created by a 70 mile per hour wind. The proposed wind load factor is consistent with the

Tilt-Up Concrete Association's TCA Guideline 5-98, "Temporary Wind Bracing of Tilt-Up Panels During Construction." The proposed revisions will require the employer to use a minimum wind speed of 70 miles per hour when determining the panel loading for temporary bracing requirements.

Subsection (d)(2).

Subsection (d)(2) requires lifting methods and procedures to be executed in such a manner as to ensure that in the event of a lifting attachment failure, employees shall not be exposed to the hazard of being struck by the panel or other supporting equipment. A revision is proposed to reword the requirement such that lifting methods and procedures will be conducted so employees are not at risk of being struck by the panel or other supporting equipment. The proposed revision improves clarity in the regulation.

Subsection (d)(3).

Subsection (d)(3) requires lifting plans to be available on the job site. A revision is proposed to also require the lifting procedures to be available at the job site. This revision clarifies for the employer that both plans and procedures shall be available at the job site, consistent with the proposed requirement of new subsection (d)(4).

New Subsection (d)(4).

A new subsection (d)(4) is proposed to require the employer to ensure a currently registered civil engineer approves field modifications to the lifting plan. It will further require the employer to ensure modifications added to the plan and procedure are available at the job site. The proposed revision will require the employer to ensure that all modifications are approved by the currently registered civil engineer for compatibility with the existing plan for the safety of the employees and is consistent with existing regulations in Section 1714(a)(3).

New Subsection (e).

A new subsection (e) is proposed to require support be provided for erection of the tilt-up wall panels. The proposed revision will require the employer to ensure the panels are supported in order to prevent overturning, toppling and/or collapse of the panels until permanent connections are completed.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 24
Section 3646(e)
Working From or On Top of an
Elevating Work Platform Guardrail

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW

General Industry Safety Orders (GISO), Article 24 contains regulations pertaining to elevating work platforms and aerial devices. Elevating work platforms are devices designed to elevate work platforms in a substantially vertical direction without offsets.

An example of an elevating work platform is what is sometimes referred to as a "scissor lift." An aerial device is defined as any vehicle-mounted or self-propelled device, telescoping extensible or articulating, or both, which is primarily designed to position personnel. An example of an aerial device is what is commonly referred to as a "cherry picker."

GISO Section 3646 specifies operating instructions for elevating work platforms, including platform travel, assembly, disassembly, repair, precautions for inclement weather, and protection of personnel on the platform and on the ground when the platform is in use. Section 3646(e), prohibits the use of ladders or other objects on elevating work platforms to gain greater reach or working height. However, this section

is silent about climbing, standing or sitting on the platform guardrails and the placement of planks on guardrails to extend working height. Elevating work platforms support workers in a stable manner when used as designed. Extension of the work height of the device beyond design limits can adversely affect platform stability, thus endangering the worker and others nearby should the platform topple.

It is proposed to revise Section 3646(e) to prohibit sitting, standing or climbing on the guardrails, and also to prohibit the use of planks, ladders or other devices to gain greater work height or reach.

These proposed revisions will require employers to prohibit employees from sitting or climbing on guardrails or using the guardrails as scaffold ledges to gain greater work height.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of

Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution." The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standard.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in this notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES CONSIDERED

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards regulations as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a description of the problems addressed by the proposed actions, a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives to lessen the impact on small businesses is also available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be mailed so that they are received no later than October 13, 2000. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on October 19, 2000 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning the proposed action may be directed to the Executive Officer, John D. MacLeod at (916) 274-5721.

You can access the Board's monthly notice on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>.

TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

NOTICE OF RULEMAKING AND WRITTEN PUBLIC COMMENT PERIOD

DUI COMPLAINT INVESTIGATIONS

Adoption of Section 9823.1, Chapter 3, Division 4, Title 9, California Code of Regulations

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs proposes to adopt Section 9823.1, Chapter 3, Division 4, Title 9 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Chapter 3, Title 9 of the California Code of Regulations (CCR) establishes standards for licensure of driving under the influence (DUI) programs. This regulatory action adopts new Section 9823.1, which establishes standards for investigation of complaints regarding DUI programs. These standards are necessary to strengthen the Department's enforcement of licensing compliance requirements by establishing regulatory authority to investigate complaints and issue notices of deficiency if the investigation discloses violations of the licensing requirements contained in Chapter 3, Title 9, CCR. This new regulation does not represent a change in policy; it merely codifies in regulation existing Departmental standards for investigation of complaints regarding DUI programs.

AUTHORITY

This regulation is being adopted pursuant to Sections 11755, 11836, and 11836.15 of the Health and Safety Code.

REFERENCE

The statutory references for this regulatory action are Sections 11836.15, 11837.7, 11838.4 of the Health and Safety Code.

FISCAL IMPACT STATEMENTS

Anticipated Costs or Savings in Federal Funding to the State:

No costs or savings are anticipated.

Anticipated Costs or Savings to Any State Agency:

No costs or savings are anticipated.

Anticipated Costs or Savings to Any Local Agency or School District

No costs or savings are anticipated.

Anticipated Nondiscretionary Costs or Savings Imposed on Local Agencies:

This regulation will not result in any nondiscretionary costs or savings to local agencies.

Local Mandate Determination:

The Department has determined that this proposed regulation will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Anticipated Cost Impact to Private Persons or Businesses Directly Affected by the Regulation:

No costs or savings are anticipated.

Statement of No Significant Adverse Economic Impact on Business:

Driving under the influence (DUI) programs are the only type of business which will be affected by this regulatory action. The Department does not anticipate any adverse economic impact on business because this regulation merely codifies existing policy into Title 9, CCR.

The Department finds that this regulation will not have a significant adverse economic impact on businesses. This regulation will not affect the ability of California businesses to compete with businesses in other states. This regulation will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Anticipated Affect on Small Businesses:

The proposed regulation will affect small businesses because many DUI programs are small businesses as defined in Government Code Section 11342. The Department has determined that this regulation will result in no cost or savings to small businesses because the regulation merely codifies existing policy into Title 9, CCR. The express terms of the proposed action are written in plain English and are available from the agency contact person named in this notice. A plain English overview is included in the informative digest portion of this notice.

Anticipated Impact on Housing Costs:

This regulation will not impact housing costs in any way.

WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on October 16, 2000.** Please submit any written comments before that time. The Department cannot accept written comments after the close

of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs 1700 K Street, Sacramento, CA 95814.

SCOPE OF TESTIMONY

Section 11346.8(c) of the Government Code prohibits the Department from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since the Department cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period the Department will not consider testimony regarding changes which are outside the scope of this notice. If you wish to request the Department to amend, adopt, or repeal additional sections of regulation, the Department is required to consider those changes in a separate regulatory action.

PUBLIC HEARING

The Department has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, the Department will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

CONSIDERATION OF ALTERNATIVES

Pursuant to Section 11346.5(a)(12) of the Government Code, the Department must determine that no alternative would be more effective in carrying out the purpose for which this regulatory action was taken. The Department must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. The Department will consider any alternatives presented during the public comment period.

POSTHEARING CHANGES

The Department may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as the posthearing changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. The Department will make available to any interested persons, for at least 15 days prior to the date on which the Department adopts, amends, or repeals

the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. The Department will mail a copy of the posthearing changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of posthearing changes. Please call the Department's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any posthearing changes and you do not plan to present comments regarding the proposed regulatory action.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared and has available for review upon request the text of the proposed regulation discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulation was based. To obtain a copy, please call (916)327-4742 or write to the Department's regulations coordinator at the address shown on the first page of this notice (if you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed).

PERSON TO CONTACT FOR ADDITIONAL INFORMATION

Questions regarding the policy contained in this regulatory action should be directed to Roger Thompson, Supervisor, Driving Under the Influence Program Branch, at (916) 327-5693.

Questions regarding the public hearing or the regulations development process should be directed to Mary Conway, the Department's regulations coordinator, at (916) 327-4742.

TITLE 10. DEPARTMENT OF MANAGED CARE

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Care (Director) proposes to amend regulations under the Knox-Keene Health Care Service Plan Act of 1974 relating to enrollee grievance processes for health care service plans.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Managed Care' (Department) contact person

designated below no later than 15 days prior to the close of the written comment period.

Notice is also given that any interested person may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person on or before 5 p.m., October 16, 2000. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Pursuant to Government Code section 11346.1, the Director of the Department of Managed Care (Director) amends specific language contained in section 1300.68, and repeals all of section 1300.68.01.

Section 1300.68 was originally amended, and new section 1300.68.01 was originally adopted, in an emergency package filed by the Department of Corporations that became effective on May 30, 2000. This rulemaking package amends the language in section 1300.68 that was added in the May filing (reverting section 1300.68 to its permanent text), and repeals new section 1300.68.01 which was adopted in the May filing. The Department of Managed Care (Department) has internally numbered this emergency package as OP 09-00.

Emergency regulations on this topic were originally filed by the Department of Corporations and became effective on May 30, 2000. However, on July 1, 2000, the Department of Managed Care (Department) officially became a separate state agency invested with the authority to monitor the health care industry in the State of California. Health and Safety Code sections 1341.9 and 1344 transferred the powers and duties relating to health care service plans and related matters from the Department of Corporations to the Department, including regulatory authority. The Department has determined that the May emergency regulations originally enacted by the Department of Corporations do not accomplish the purpose of the legislation that the regulations implemented.

The Department has determined that the current language contained in section 1300.68 and 1300.68.01 does not effectively reflect the purpose and intent behind the legislative changes made to Health and Safety Code section 1368, the enabling statute. Therefore, the Department is amending and repealing language to revert section 1300.68 to its permanent text and repeal section 1300.68.01 in its entirety. In connection with this rulemaking package, the Department has filed a second rulemaking package, OP 08-00, which accurately incorporates the purpose of Health and Safety Code section 1368 and Senate Bill 189.

AUTHORITY

Health and Safety Code section 1344.

REFERENCE

Health and Safety Code section 1344.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Director will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION(S)

The express terms of the proposed action may be obtained upon request from any office of the Department. Request the text for OP 09-00. A statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request the statement of reasons for OP 09-00. As required by the Administrative Procedure Act, the Office of Legal Services maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Managed Care, Office of Legal Services, 980 Ninth Street, Suite 500. Sacramento, California, 95814.

ALTERNATIVES CONSIDERED

The Department must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the above action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- The proposed regulatory action will have a savings to the Department of Managed Care estimated to be approximately \$1,300,841. This cost savings stems from repealing a regulatory action (OP 07-00) which had a cost estimate of \$1,300,841. There will be no other costs or savings to other state agencies.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.

- No other nondiscretionary cost or savings are imposed on local agencies.
- Costs to Private Persons or Businesses Directly Affected: Insignificant or none.
- Effect on Housing Costs: None.

DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Does not affect small businesses. Health care service plans are not considered a small business under Government Code Section 11342(h)(2).
- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.

CONTACT PERSON

Comments or inquiries concerning these proposed regulation changes may be directed to G. Lewis Chartrand, Jr., Chief of Legal Services, Department of Managed Care, 980 Ninth Street, Suite 500. Sacramento, California 95814. (916) 323-0435.

TITLE 10. DEPARTMENT OF MANAGED CARE

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Care (Director) proposes to amend regulations under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) relating to enrollee grievance procedures for health care service plans.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Managed Care's (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

Notice is also given that any interested person may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person on or before 5 p.m. on October 16, 2000. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Under the Knox-Keene Act health care service plans (plans) are required to establish and maintain a grievance system to resolve enrollee complaints against plans regarding health care services. The Knox-Keene Act also allows enrollees to file complaints against plans with the Department, and establishes a statutory process for resolving complaints with the Department.

Senate Bill 189 (Chapter 542, Statutes 1999), among other things, shortened the period of time from 60 to 30 days in which plans and the Department have to review and resolve enrollee complaints; allows enrollees to seek the Department's review of unresolved grievances after 30 days (instead of the current 60 days), and requires plans to act on emergency grievances, including those involving severe pain, within 3 days of receipt of the grievance (instead of the current 5 days).

In accordance with the changes to the statute made by SB 189, the Director has determined that changes to Section 1300.68 were necessary. These changes will enable the Department to respond to the requirements of the Legislature to resolve enrollee complaints within 30 days.

Section 1300.68 requires plans to establish a grievance system and sets forth the quarterly report form for pending and unresolved grievances. The Director proposes to amend Section 1300.68 to implement the changes made by SB 189.

Subsection (a) is being amended to clarify that plans should resolve grievances within 30 calendar days of receipt of the grievance by the plan or the entity delegated by the plan to resolve grievances.

The remainder of subsection (a) is being moved to new subsection (b). Grammatical and format changes are also being made to this subsection, (i.e., former subsections (b) through (h) have been renumbered subsection (b), paragraphs (2) through (8)).

Health and Safety Code Section 1368(a)(5) requires plans to keep all copies of grievances and responses thereto for five years. Subsection (b)(9) specifies that copies of the medical records, documents, evidences of coverage and other relevant information that the plan used to reach its decision, be maintained with the grievance file.

Health and Safety Code Section 1368.01(b) requires that the grievance system include a requirement for expedited plan review of grievances for cases involving an imminent and serious threat to the health of the patient, including but not limited to, severe pain, potential loss of life, limb, or major bodily function. Subsection (10) is being added to subsection (a) to clarify that the plan's grievance system is also to include procedures for the expedited review of grievances.

Subsection (b) of Health and Safety Code Section 1368 allows an enrollee to submit a grievance to the Department for review after the enrollee has completed the plan's grievance system or after participating in the plan's grievance system for 30 days. The Director proposes adopting new subsection (c) to set forth procedures and the information that the plan is required to submit to the Department. Specifically, the plan is required to submit information that it used to reach a decision with respect to an enrollee's grievance within five calendar days after receipt of notification from the Department.

Health and Safety Code Section 1368 requires plans to submit a quarterly report of grievances which are pending and unresolved for 30 days or more. Subsection (d) sets forth the procedures for the quarterly report. A plan is not required to report grievances filed and processed outside of the plan's grievance system. Paragraph (1) of subsection (d) is amended to expand the list of outside review organizations to include the Center for Health Care Dispute Resolution, an independent review organization, and the Medi-Cal Fair Hearing Process.

The Quarterly Report of Pending and Unresolved Grievances is contained in paragraph (6) of subsection (d) of Section 1300.68. Item 3 of the report is being amended to request the total plan enrollment information for each category, i.e., number of Commercial, Medicare (Risk), Medicare (Supplement) and Medi-Cal enrollees.

The Director proposes adopting Section 1300.68.01 to clarify procedures for the expedited review of grievances ("urgent grievances").

Subsection (a) clarifies the minimum requirements to be included in the plan's procedures for expedited review. This subsection clarifies that the enrollee's medical condition shall be considered when determining the plan's response time.

Subsection (b) requires that the plan establish a system that is capable of receiving Department contacts 24 hours a day, 7 days a week. The system requires that the plan provide for the availability of a representative with authority on the plan's behalf. The representative must have the authority to authorize and/or intervene in health care services and treatment and financial decisions on behalf of the plan without

having to obtain further approval from the plan. This subsection requires the contact persons to respond to the Department within a specific timeframe.

Subsection (c) requires plans to provide the Department with the plan's organizational information with respect to urgent and emergency requests; the names, titles, telephone numbers, pager numbers, answering service or voice mail numbers, and e-mail addresses, for contacting the primary and the back-up contact persons; and a monthly duty roster for the primary and back-up contact persons. Plans are required to notify the Department when there are any changes to contact person information or to the monthly duty roster.

AUTHORITY

Section 1344, Health and Safety Code.

REFERENCE

Section 1368, Health and Safety Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Director will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION(S)

The express terms of the proposed action may be obtained upon request from any office of the Department. Request the text of OP 08-00. A statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request the statement of reasons for OP 08-00. As required by the Administrative Procedure Act, the Office of Legal Services maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Managed Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California.

ALTERNATIVES CONSIDERED

The Department must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the above action is

proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- No other nondiscretionary cost or savings are imposed on local agencies.
- Costs to Private Persons or Businesses Directly Affected: Insignificant or none.
- Effect on Housing Costs: None.

DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Does not affect small businesses. Health care service plans are not considered a small business under Government Code Section 11342(h)(2).
- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.

CONTACT PERSON

Comments or inquiries concerning these proposed regulation changes may be directed G. Lewis Chartrand, Jr. Chief of Legal Services. Department of Managed Care. 980 Ninth Street, Suite 500. Sacramento, California 95814. Or, you may call (916) 322-0435.

TITLE 14. DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

TITLE 14, NATURAL RESOURCES DIVISION 3, SELECTION OF PROFESSIONAL SERVICE FIRMS SECTIONS 1690–1699

NOTICE OF PROPOSED RULEMAKING September 1, 2000

NOTICE IS HEREBY GIVEN that the Department of Conservation's, Division of Oil, Gas, and Geothermal Resources (Division) proposes to adopt the regulations described below according to the statutes and regulations of the Administrative Procedure Act, Government Code sections 11340 through 11359, and Office of Administrative Law (OAL) Regulations, California Code of Regulations, Title 1, sections 1 through 128.

PROPOSED REGULATORY ACTION

The Division proposes to add Chapter 3, Sections 1690 through 1699, to the California Code of Regulations (CCR), Title 14. These regulations clarify and make specific the Division's procedures for selecting professional service firms.

FINDING OF EMERGENCY

The Division finds that the adoption of the proposed regulations is necessary for the preservation of the public peace, health and safety or general welfare of the people of the State of California.

The Division was created to ensure that any significant adverse impacts to the environment and the state's hydrocarbon resources from the drilling and production of oil and gas resources are prevented or mitigated, and the public health and safety are protected. The Division issues permits to drill, rework, inject into, and plug and abandon oil and gas wells. Operators are required to submit their plans to the Division for review and approval before a permit is issued. During the 10-day review period, the Division conducts a thorough analysis of the proposed operations that includes an inquiry whether the environmental review process required by the California Environmental Quality Act (CEQA) has been completed.

The drilling of a new well is considered a project under CEQA and requires a permit issued by the Division. New drill permits must go through a CEQA review. Furthermore, if the local land-use agency fails to prepare or adequately address through the CEQA process the environmental effects of drilling a new well, then the Division, as a responsible agency,

assumes the role of lead agency and carries out an environmental review. Often the preparation of environmental documentation must be accomplished with the assistance of a professional consulting firm under contract to the Division.

The Division has been directed to assume lead agency status for the environmental review of activities related to the drilling of new oil and gas wells in Kern County. This direction comes as a result of CEQA noncompliance by Kern County. Consequently, the Division needs the ability to prepare the appropriate CEQA compliance documentation for the operations described above to prevent the loss of jobs and to prevent the loss of oil and gas production.

In the absence of CEQA compliance, oil and gas well drilling could be substantially curtailed. Businesses and their employees dependent on the daily activity in the oilfields in the southern San Joaquin Valley will be in jeopardy. Drilling companies and those companies providing services to operators such as, drilling contractors, specialty cement and mudding companies, chemical suppliers, welders, pipeline companies, grading and construction contractors, surveyors, engineers, and steel manufacturing companies and their employees would be threatened with loss of jobs. Such a situation would have a severe economic impact on this area of the State. The three largest and most productive oilfields in the state are located in Kern County.

The Division adopts these regulations pursuant to the authority vested in Public Resources Code (PRC) § 3000 (et seq.). Specifically, PRC § 3013 allows the Division to establish regulations for the orderly development of the State's oil and gas resources. Current Division regulations do not provide a procedure for the Division to contract for professional services to perform environmental review and to prepare environmental documents.

The Department of General Services has advised the Division that to contract for professional services in the necessary manner, it must adopt regulations in accordance with § 4526 of the Government Code (selection of professional services firms; adoption of procedures). The urgency that requires the adoption of these enabling regulations is the immediate situation in Kern County that requires the Division to act expeditiously to administer the requirements of CEQA.

AUTHORITY AND REFERENCE

The Division is proposing to adopt these regulations that add Chapter 3, §§ 1690 through 1699, to Title 14 of the CCR pursuant to the authority granted in the California Laws for the Conservation of Petroleum and Gas (PRC § 3000 et seq.), and specifically PRC § 3013 (authority to adopt rules and regulations)

and § 3106 (supervisor's duties). These regulations clarify and make specific a process by which the Division may contract for professional services work when acting in the role of CEQA lead agency pursuant to PRC §§ 3106 and 21082 (agencies to adopt regulations for environmental review process).

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Pursuant to the authority vested to the Division by Sections 3013 and 3106 of the PRC, Chapter 3, Sections 1690 through 1699 of Title 14, regulations are proposed for adoption.

Existing law requires the Division to permit the drilling, operation, maintenance, and plugging and abandonment of oil and gas wells to prevent damage to life, health, property, and natural resources, including loss of oil, gas, or reservoir energy, and to encourage the wise development of hydrocarbon resources while preserving public safety and environmental protection.

The approval of a permit to drill an oil or gas well is considered a project under CEQA. The Division has been directed to assume the roll of lead agency for the review of environmental impacts of drilling new oil and gas wells in Kern County. The preparation of environmental documentation will need to be accomplished with assistance from a commercial, professional consulting firm under contract to the Division.

The Department of General Services has advised the Division that to contract for professional services in the necessary manner, it must adopt regulations in accordance with § 4526 of the Government Code (selection of professional service firms; adoption procedures).

The added regulations, §§ 1690 through 1699, are intended to clarify and make specific the Division's procedures for selecting professional services firms. These adopted regulations are contained under a new Chapter 3, titled Selection of Professional Service Firms.

These regulations do not duplicate, conflict, or differ from any comparable federal regulations or statutes, because there are no comparable federal regulations or statutes that apply.

The following is an explanation of the proposed regulations.

CCR § 1690 states the purpose of these proposed regulations is to provide a process of selecting professional services based on demonstrated professional competency and qualifications.

CCR § 1690.1 sets forth the definitions for terms used in these regulations.

CCR § 1691 establishes the criteria the Division will consider and use as the basis for selection of a professional firm for each project.

CCR § 1692 provides that the Division may estimate the value of the services to be performed prior to the acquisition of a professional firm to determine a fair and reasonable compensation for the services.

CCR § 1693 addresses the methods to be used in publishing a request for professional services. This section also provides for the Division to notify small businesses if they qualify for the project.

CCR § 1694 requires the Division to consider at least three firms, provided that three firms respond to the Division's request for services.

CCR § 1695 provides for the Division to conduct contract negotiations with qualifying firms.

CCR § 1696 provides for the Division to amend a contract during the course of the project.

CCR § 1697 provides for the Division to contract for professional services in phases where it is necessary or desirable to have a project performed in phases.

CCR § 1698 provides for the Division to award a contract on a cost-bid basis, rather than on the basis of professional qualifications, when it is determined that the project is more technical in nature and does not require professional judgments.

CCR § 1699 excludes from these contract requirements services performed by State of California Civil Service employees, services of recognized experts retained as consultants, or to members of advisory boards.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

The Division has scheduled a public hearing on this proposed action at the time and place listed below, for the purpose of hearing testimony on the proposed regulations. The public hearing will be held at:

Date: October 18, 2000

Time: 10:00 a.m.

Location: Division Headquarters Office
801 K Street, 20th floor
Sacramento, California

The hearing facility will be barrier free in accordance with the Americans with Disabilities Act. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Division requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

Any interested person may submit written comments relevant to the proposed regulatory action to the

Division during the public comment period that begins on September 1, 2000 and closes at 5:00 p.m., October 18, 2000. The Division will consider only relevant comments received at the Division office noted below by that time.

ALTERNATIVES STATEMENT

The Division must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Division has made the following preliminary determinations:

- Mandate on local agencies and school districts: The Division has determined that adoption of these proposed regulations does not impose any new mandates on local agencies or on local school districts.
- Cost or savings to any State agency: The Division has determined that there may be a small increase in cost and additional expenses to its programs, however, no expenses will be incurred that cannot be absorbed within the existing budget. There are no costs or savings to any other state agency besides the Division.
- Other nondiscretionary cost or savings imposed upon local agencies: No other nondiscretionary costs or savings to local agencies have been identified.
- Cost or savings in Federal funding to the State: No costs or savings in Federal funding to the State have been identified.
- Significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states: The Division staff has determined that there are no adverse impacts to California businesses that result from the adoption of this proposed regulatory language. These proposed regulations serve to clarify and make specific existing Division authority that is provided for in statute.
- Potential cost impact on private persons or directly affected businesses: The Division has determined that there is no impact on private persons or businesses; these proposed regulations serve to clarify and make specific the Division procedures that are authorized in statute. These proposed regulations do not mandate actions upon private persons or businesses.

- Creation or elimination of jobs in California: The Division has determined that the adoption of these regulations will not:
 - Create nor eliminate jobs within California;
 - Create new nor eliminate existing businesses within California;
 - Expand businesses currently doing business in California.
- Significant effect on housing costs: The Division has determined that the adoption of these regulations will have no significant effect on housing costs.
- Effects on small businesses: The Division has determined that the adoption of these proposed regulations may affect small businesses. These proposed regulations serve to clarify and make specific Division procedures that are authorized in statute. These regulations specify that small businesses shall be notified of project proposal announcements and be afforded an opportunity to participate in the proposal process. The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

Any interested person may request a copy of the proposed regulations and the Informative Digest, or direct questions about the proposed regulations and Emergency Filing and inspect all supplemental information, upon which the regulations are based, contained in the rulemaking file. The rulemaking file is available for inspection at the Division Office at 801 K Street, 20th Floor, Sacramento, California, between 9:00 A.M. and 4:00 P.M., Monday through Friday. Copies of the text of the regulations, the Initial Filing of Emergency Regulations, and the Informative Digest may be requested by writing or calling the Division contact person listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period and the 120-day emergency review period, the Division may adopt, as final, the proposed regulations substantially as described in this Notice and Informative Digest. Copies of these regulations, as finally adopted, will be sent to all persons on the Division's public comment mailing list for this issue and others requesting copies. If, as a result of public comment, substantive changes to these regulations are deemed appropriate, copies of

the proposed changes will be sent to all persons who testified at the public hearing or submitted written comments during the comment period or at the public hearing, and to those who have requested copies of information regarding the regulation.

Thereafter, the Division will accept written comments for a period of at least 15 days after the date upon which changes were made available. If adopted, the regulations will appear in CCR, Title 14, Division 3, §§ 1690 through 1699.

CONTACT PERSON

Statements, arguments, or contentions must be submitted in writing for them to be considered by the Division. To be included in the mailing list and to receive updates on this rulemaking, please contact the Division at (916) 445-9686. Please direct all written comments, procedural inquiries and requests for documents to:

Marilu Habel or Linda Campion
Division of Oil, Gas, and Geothermal Resources
801 K Street, MS 20-20
Sacramento, California 95814

TITLE 16. CALIFORNIA ARCHITECTS BOARD, LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board, Landscape Architects Technical Committee, is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California 95814, on October 16, 2000 at 1:00 p.m. Written comments must be received by the Board at its office not later than 5:00 p.m. on October 16, 2000 or must be received by the Board at the hearing.

The Board, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 5630 of the Business and Professions Code, and Government Code Section 11400.20(b)(3), and to implement, interpret or make specific Sections 5650, 5651, 5680.1, and 5680.2 of the Business and Professions Code, the California Architects Board, Landscape Architects Technical Committee, is considering changes to Division 26 of Title 16 of the California Code of Regulations (16 CCR) as follows:

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Adopt Section 2616

Existing regulations do not specify the maximum period of time that can lapse between passing all sections of the written examination for licensure and applying for a landscape architects license. The Board is proposing to adopt section 2616 to specify that, upon passing all sections of the written licensing examination, application for licensure must be received by the Board within five years of the date of notification of examination results. After five years, the individual must apply for and pass all sections of the licensing examination in existence at the time of application.

Adopt Section 2624

Existing law states that a license not renewed within three years of its expiration cannot be renewed, restored, reissued, or reinstated but the holder of the license may apply for and obtain a new license under certain conditions. One of the conditions is that the individual take and pass the written licensing examination as if applying for a license for the first time. Another condition is that the individual may establish, to the satisfaction of the Board, that he or she is qualified to practice landscape architecture without taking the licensing examination.

The Board is proposing to adopt section 2624 to specify that, if an individual's license has been expired for more than three but less than five years, he or she may attempt to establish that he or she is qualified to practice landscape architecture without taking and passing the licensing examination. If the license has been expired for more than five years, the individual must apply for and pass all sections of the current licensing examination to be eligible for a new license.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Cost/Savings in Federal Funding to the State: Insignificant

Non-discretionary Costs/Savings to Local Agencies:
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs or new businesses or the expansion of businesses in the State of California, because it only affects individual licensees.

Cost Impact on Private Persons or Entities: None
Effect on Housing Costs: None

PLAIN ENGLISH REQUIREMENT

The Board has determined that this regulatory proposal would affect small businesses.

The express terms of the proposed action written in plain English are available from the Board contact person named in this notice.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no alternative that it considered would either be more effective in carrying out the purpose for which the action is proposed or as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, if any, may be obtained at or prior to the hearing upon request from the Board at 400 R Street, Suite 4000, Sacramento, California 95814 or by telephoning the contact person listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Hilary Prentiss at the above address or (916) 445-6573.

COMMENT PERIOD

Written comments must be received by the Board at its office not later than 5:00 p.m. on **October 16, 2000**, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person. The full text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

TITLE 17. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Proposed Rulemaking

SUBJECT: **Standards for Protection Against Radiation (R-31-98)**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on October 16, 2000, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACT

Inquiries concerning the action described in this notice may be directed to Charles E. Smith of the Office of Regulations at (916) 657-0730. In any such inquiries, please identify the action by using the Department regulation control number **R-31-98**.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for

accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST

In the Radiation Control Law, the Department of Health Services (Department) is directed to develop programs for licensing and regulating radioactive materials. (Health & Saf. Code, § 115000, subd. (b).) In 1962, the State of California ratified and approved the State entering into an agreement with the United States Atomic Energy Commission, the predecessor of the United States Nuclear Regulatory Commission (NRC), by which the federal agency discontinued its regulatory authority over certain radioactive materials. (Health & Saf. Code, § 115230.) By such action, California became an "Agreement State."

A provision of the agreement between California and the NRC specifies that the State "will use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials." (Health & Saf. Code, § 115235, art. V.) The NRC criteria indicates that failure to implement or update the revised national radiation protection standards would result in withdrawal of findings by the NRC of adequacy and compatibility. Such a withdrawal of favorable findings of adequacy to protect public health and safety and maintenance of compatibility with the NRC regulatory program would be a necessary precedent to revocation of the California agreement by the NRC. In May 1991, the NRC amended title 10, Code of Federal Regulations, part 20 (10 C.F.R., § 20.1001, et. seq.), which was the first time a major revision had been made of the federal radiation protection standards in more than 30 years. California incorporated by reference part 20 as published on January 1, 1993. This incorporation prevented the withdrawal of findings by the NRC of adequacy and compatibility during the 1993 NRC review of California's radiation safety program. However, NRC has since amended part 20 numerous times. California's failure to adopt regulations compatible with those changes have put California's agreement state status in jeopardy. This proposed regulation amendment implements the revised federal radiation protection standards and maintains compatibility with the NRC as agreed upon. (See Health & Saf. Code, § 115235.)

In addition, this proposed regulation amendment grants reciprocal recognition to states who are provisionally or finally designated as a Licensing State (as opposed to an Agreement State) by the Conference of Radiation Control Program Directors (CRCPD). Licensing States are states that, unlike California, do not have an agreement with the NRC to inherit the

latter's functions but who do regulate various radioactive materials that have never been regulated by the NRC. The licensing state designation is granted by a national association of state regulators, the CRCPD. California's regulations apply to all regulated sources of radiation, including sources not covered by California's agreement with the NRC. This is consistent with the Department's legislative mandate to maintain regulations compatible with other states and serves to provide uniform standards within California. (Health & Saf. Code, §§ 114965(c) and 114970.)

This regulation proposal also amends the statutory authority and reference citations for the applicable Health and Safety Code sections as recodified by Statutes 1995, chapter 415.

In conclusion, the revision of existing State radiation control regulations in title 17, California Code of Regulations improves radiation protection standards for California. These revised standards achieve compatibility with the revised NRC regulatory framework, maintain compatibility with other states, and provide uniform standards within California.

In addition to the specific authority granted to the Department to regulate sources of ionizing radiation, the Department has general authority to promulgate regulations. (Health & Saf. Code, § 100275.)

The regulations that implement, interpret and make specific the provisions of the Radiation Control Law are in title 17, California Code of Regulations, sections 30100 through 30373. Accordingly, the Department proposes to amend sections 30225, 30253 and 30350 as follows:

Amend section 30225 to allow individuals who hold radioactive material licenses issued by Licensing States to receive reciprocal recognition by the Department. Capitalization errors, unclear references to repealed sections and gender references are corrected.

Amend section 30253 to update the revision date from January 1, 1993 to January 1, 1999 of Title 10, Code of Federal Regulations, Part 20, correct a typographical error, change references to statutes instead of regulations, and repeal an expired subsection.

Amend section 30350 to correct an unclear reference to section 30100.

PLAIN ENGLISH POLICY STATEMENT OVERVIEW

The rule allows people with permits from other states to work in our state when certain items are met. Safety rules are changed by changing the revision date of federal rules that are put into our rules. Errors are corrected.

AUTHORITY

Sections 100275, 115000 and 115060, Health and Safety Code.

REFERENCE

Sections 114960, 114965, 114970, 114985, 114990, 115000, 115060, 115065, 115090, 115093, 115165, 115105, 115110, 115120, 115230 and 115235, Health and Safety Code.

FISCAL IMPACT ESTIMATE:

- A. Fiscal Effect on Local Government: No fiscal impact exists.
- B. Fiscal Effect on State Government: No fiscal impact exists.
- C. Fiscal Effect on Federal Funding of State Programs: No fiscal impact exists.
- D. Fiscal Effect on Private Persons or Businesses Directly Affected: No significant fiscal impact.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: No fiscal impact exists.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has determined that the regulations would not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business.

The Department has also determined that it is not feasible to draft the regulations in plain English due to the technical nature of the regulations; however, a noncontrolling plain English summary of the regulations is available from the Office of Regulations at the address noted above.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. A copy of the initial statement of reasons and a copy of the text of the proposed regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the proposed regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(12) the Department must determine that no alternative considered by the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 30 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1595, Occasional Sales-Sale of a Business, in Title 18, Division 2, Chapter 4, of the California Code of

Regulations, relating to sales and use tax. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on November 1, 2000. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by November 1, 2000.

**INFORMATIVE DIGEST/PLAIN
ENGLISH OVERVIEW**

Current law, Revenue and Taxation Code section 6006.5, provides that whether a person's sale qualified as an exempt occasional sale was not dependent on whether that person had ever made a sale at retail, nor whether the property that had been sold by that person was even suitable for sale at retail. Tax applies to all sales in a series of sales sufficient in number, scope, and character to require the holding of a seller's permit.

Regulation 1595, Occasional Sales—Sale of a Business, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6006.5. Amendments are proposed to recognize the first two sales in a series of sales requiring a seller's permit as occasional sales.

The State Board of Equalization has determined it is not feasible to draft the regulation in plain English due to the technical nature of the regulation; however, a non-controlling plain English summary of the regulation is available from the agency contact person named in this notice.

**COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The State Board of Equalization has determined that the proposed amendments and regulations do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(7), the Board of Equalization finds that the adoption of the amendments to Regulation 1595 will have no significant adverse economic impact on business.

The adoption of the proposed amendment to this regulation and the proposed regulations will neither

create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendment to the regulation as proposed and the new regulations will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS/BUSINESSES**

No impact.

SIGNIFICANT EFFECT ON HOUSING COSTS
No significant effect.

FEDERAL REGULATIONS

Regulation 1595 and the proposed changes have no comparable federal regulations.

PLAIN ENGLISH STATEMENT

Preparation of the proposed amendment to Regulation 1595 included consideration of the "plain English" requirement. Any technical terms that may be unfamiliar to the intended users and are not industry-recognized are defined or explained.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 6006.5, Revenue and Taxation Code.

CONTACT

Questions regarding the content of the proposed regulation should be directed to Ms. Leila Khabbaz, (916) 324-2952, at 450 N Street, Sacramento, CA 95814.

Written comments for the Board's consideration or notice to present testimony should be directed to Diane Olson, Regulations Coordinator, (916) 322-9569, at 450 N Street, Sacramento, CA 95814.

ALTERNATIVES CONSIDERED

The Board must determine that no alternative considered would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATION**

The Board has prepared a statement of reasons and an underscored version (express terms) of the proposed regulations. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the

proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1655, Returns, Defects and Replacements, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on November 1, 2000. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by November 1, 2000.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Current law, Revenue and Taxation Code sections 6006-6012 and Civil Code sections 1793.2-1793.25, provides for the application of tax to customer-paid deductibles on optional and mandatory warranty contracts and for the refund of sales tax when a vehicle is found to be defective under the Lemon Law provisions of the Civil Code. For several years, the Board has dealt with these issues using administrative guidelines.

Regulation 1655, Returns, Defects and Replacements, is proposed to be amended to interpret,

implement and make specific Revenue and Taxation Code sections 6006-6012 and Civil Code sections 1793.2-1793.25. Amendments are proposed to incorporate existing Board administrative guidelines regarding transfers of tangible personal property under these programs into the regulation, to delete gender-specific language, and to clarify that the rule regarding optional warranties also applies when the tangible personal property at issue is purchased out of state.

The State Board of Equalization has determined it is not feasible to draft the regulation in plain English due to the technical nature of the regulation; however, a non-controlling plain English summary of the regulation is available from the agency contact person named in this notice.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments and regulations do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(7), the Board of Equalization finds that the adoption of the amendments to Regulation 1655 will have no significant adverse economic impact on business.

The adoption of the proposed amendment to this regulation and the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendment to the regulation as proposed and the new regulations will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

POTENTIAL COST IMPACT ON PRIVATE PERSONS/BUSINESSES

No impact.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 1655 and the proposed changes have no comparable federal regulations.

PLAIN ENGLISH STATEMENT

Preparation of the proposed amendment to Regulation 1655 included consideration of the "plain English" requirement. Any technical terms that may be unfamiliar to the intended users and are not industry-recognized are defined or explained.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Sections 6006–6012, Revenue and Taxation Code, and Sections 1793.2–1793.25, Civil Code; *Yamaha Corp., of America v. St. Bd. of Equal.* (1998) 19 Cal.4th 1.

CONTACT

Questions regarding the content of the proposed regulation should be directed to Ms. Leila Khabbaz (916) 324-2952, at 450 N Street, Sacramento, CA 95814.

Written comments for the Board's consideration or notice to present testimony should be directed to Diane Olson, Regulations Coordinator, (916) 322-9569, at 450 N Street, Sacramento, CA 95814.

ALTERNATIVES CONSIDERED

The Board must determine that no alternative considered would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a statement of reasons and an underscored version (express terms) of the proposed regulations. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any

modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A VARIANCE MODIFICATION FROM THE REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM CONSUMER PRODUCTS

At the direction of the Executive Officer of the California Air Resources Board, a public hearing will be conducted at the time and place noted below to consider an application to modify a variance from the Regulation for Reducing Volatile Organic Compound Emissions from Consumer Products (the "consumer products regulation"; title 17, California Code of Regulations, sections 94507–94517).

DATE: September 28, 2000

TIME: 10:00 a.m.

PLACE: California Air Resources Board
Administrative Hearing Room
2014 Capitol Avenue
Sacramento, California 95814

Section 94509(a) of the consumer products regulation specifies volatile organic compound (VOC) limits for various categories of consumer products. These limits include a 16 percent by weight VOC limit for hair mousses. In addition, section 94514 of the consumer products regulation allows any person who cannot comply with the requirements of section 94509, because of extraordinary reasons beyond the person's reasonable control, to apply to the Executive Officer for a variance. The criteria and procedures for granting a variance are specified in section 94514.

On February 11, 2000, the applicant listed below was granted a variance from the 16 percent limit for hair mousses for the hair mousse product Textureline Aeromousse Spray-On Mousse Gel (Aeromousse).

ARtec Systems Group, Incorporated
99 Seaview Boulevard
Port Washington, New York 11050-4632

The applicant has applied to extend the compliance dates of this variance under section 94514(g) of the consumer products regulation. The public hearing to consider the variance modification application will be conducted in accordance with procedures set forth in section 94514 of the consumer products regulation. At the hearing, the applicant will be asked to present evidence demonstrating that the criteria for granting a variance have been met. Interested members of the public will be allowed reasonable opportunity to testify at the hearing. All parties may, but need not, be represented by counsel at the hearing. Subsequent to the hearing, the Executive Officer shall determine whether, under what conditions, and to what extent a variance modification is necessary and will be permitted.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact Ms. Kathy Spring at (916) 323-3485, TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area by September 18, 2000.

Copies of the consumer products regulation and variance application may be obtained from the Public Information Office, California Air Resources Board 2020 L Street, Sacramento, California 95814, (916) 322-2990, at least 30 days prior to the scheduled hearing. Further inquiries regarding this matter should be directed to Mr. Steven Giorgi, Manager, Implementation Section, Stationary Source Division, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812, (916) 322-9148.

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**GUIDELINES FOR ASSESSING ECOLOGICAL
RISKS POSED BY CHEMICALS
PART I: INTRODUCTION**

**ANNOUNCEMENT OF AVAILABILITY
September 1, 2000**

The Office of Environmental Health Hazard Assessment (OEHHA) announces the availability of the final version of *Part I. Introduction* of the *Guidelines For Assessing Ecological Risks Posed By Chemicals*. The document was available for public comment from March 17, 2000 through May 15, 2000. Part I. of the *Guidelines for Ecological Risk Assessment Posed by Chemicals* provides an overview of ecological risk assessment and adopts the United States Environmental Protection Agency process outlined in the *Guidelines For Ecological Risk Assessment* (1998). Additionally, the format and scope of the Cal/EPA

guidelines are briefly described. Previous drafts of the *Guidelines For Assessing Ecological Risks Posed By Chemicals. Part I. Introduction* have been reviewed internally by an Ecotoxicology Interagency Workgroup composed of representatives from various Cal/EPA Boards and Departments and the Resources Agency. The outline for the guidelines, developed following Workgroup and public review, has been previously reported in the *Guidelines for Assessing Ecological Risks Posed by Chemicals—Developmental Plan* (OEHHA, 1998). Individuals with questions regarding public comments or contents of the *Guidelines for Assessing Ecological Risks Posed by Chemicals* should call the OEHHA Ecotoxicology Unit at (916) 327-1099 for assistance.

**INSTRUCTIONS FOR OBTAINING
THE DOCUMENT**

Copies of the *Guidelines For Assessing Ecological Risks Posed By Chemicals. Part I. Introduction* can be obtained via the Internet at the OEHHA Web site, located at: <http://www.oehha.ca.gov> (see "Ecotoxicology" on this page). Interested individuals who cannot conveniently access the Internet can request, in writing, a hardcopy of the document. Requests can be mailed or faxed as indicated below.

U.S. Mail: Attention: Michelle St. Croix
Office of Environmental Health Hazard
Assessment
RCHAS/Ecotoxicology Unit
301 Capitol Mall, Room 205
Sacramento, CA 95814
Fax Number: (916) 327-7340

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

CA Truck Equipment Co Inc
1235 Bellflower Blvd.
Downey, CA 90242

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA 92012

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF HEALTH SERVICES

Notice is hereby given that the Drug Use Review (DUR) Board will conduct a public meeting at 714 P Street, Penthouse, Sacramento, CA beginning at 10 a.m. on Monday, September 18, 2000

Agenda:

1. DUR Drug Information/Alert Incidence Updates
2. Board Member Recruitment
3. DUR Education—Articles and Funding
4. DUR Program Enhancements
5. Conference/Task Force Updates
6. Operational Issues

Speaker Request Forms will be available at the meeting or may be obtained by contacting Electronic Data Systems Corporation, 3215 Prospect Park Drive, Rancho Cordova, CA 95670. Attention: DUR Pharmacist Jude Simon-Leack, Pharm.D.,MSW.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION

Sales & Use Tax—Miscellaneous Service Enterprise

The proposed regulatory action would add provisions explaining the application of sales tax to transactions by architects and other person who render architectural services.

Title 18
California Code of Regulations
AMEND : 1506
Filed 08/16/00
Effective 09/15/00
Agency Contact: Diane G. Olson (916) 445-7086

BUREAU OF HOME FURNISHING AND THERMAL INSULATION

Furniture Flammability Regulations

This regulatory action exempts non-man-made filling materials from compliance with the afterglow test.

Title 4

California Code of Regulations

AMEND : TB 117

Filed 08/16/00

Effective 08/16/00

Agency Contact: Susan Lancara (916) 574-0282

DEPARTMENT OF FOOD AND AGRICULTURE

Guava Fruit Fly Eradication Area

This emergency rulemaking action proclaims Los Angeles and Orange counties as eradication areas with respect to the guava fruit fly (*Bactrocera correcta*).

Title 3

California Code of Regulations

AMEND : 3591.13(a)

Filed 08/16/00

Effective 08/16/00

Agency Contact: Barbara J. Hass 916-654-1017

DEPARTMENT OF HEALTH SERVICES

Antidecubitus Care Support Surfaces

This emergency readoption makes amendments to the Manual of Criteria for Medi-Cal Authorization. These amendments concern coverage for Durable Medical Equipment for antidecubitus care.

Title 22

California Code of Regulations

AMEND : 51003, 51160, 51321, 51521

Filed 08/21/00

Effective 10/03/00

Agency Contact: Sandra Ortega 916-657-3174

DEPARTMENT OF HEALTH SERVICES

Sign Language Interpreter Services

This emergency regulatory action adopts the criteria for Medi-Cal reimbursement for sign language interpreters.

Title 22

California Code of Regulations

ADOPT : 51098.5, 51202.5, 51309.5, 51503.3

Filed 08/21/00

Effective 08/21/00

Agency Contact: Sandra Ortega 916-657-3174

DEPARTMENT OF INDUSTRIAL RELATIONS

Workers' Compensation—Fees for DWC Records

The proposed regulatory action amends provisions governing the fees charged and the procedures to obtain copies of various types of documents maintained by the Division of Workers' Compensation.

Title 8

California Code of Regulations

AMEND : 9990

Filed 08/22/00

Effective 09/21/00

Agency Contact:

James M. Robbins

415-703-4669

FISH AND GAME COMMISSION

Susan River

The Fish and Game Commission is amending the captioned section entitled "Alphabetical List of Waters With Special Fishing Regulations"; specifically, Lassen County

Title 14

California Code of Regulations

AMEND : 7.50(b)(189.5)

Filed 08/17/00

Effective 09/16/00

Agency Contact: John M. Duffy 916-653-4899

FISH AND GAME COMMISSION

Tuna Exchange Rates

Existing regulations establish a process for recreational anglers to exchange fresh caught tuna for canned tuna. The regulations specify the number of cans which must be provided per pound of fresh fish. This regulatory action will replace this specified exchange rate with an adjustable rate based upon the price of tuna.

Title 14

California Code of Regulations

AMEND : 231

Filed 08/16/00

Effective 09/15/00

Agency Contact: John M. Duffy 916-653-4899

GENERAL SERVICES, TRANSPORTATION, WATER RESOURCES

Public Works Contract Arbitrations

This joint rulemaking action by the Department of General Services, Department of Transportation, and the Department of Water Resources revises existing regulations on Public Works Contract Arbitrations, which are administered by the Office of Administrative Hearings. The revisions provide for a motion to associate out-of-state counsel, provide that the list of arbitrators acceptable to Petitioner and Respondent need not be sent to other parties, clarifies the power of the Office of Administrative Hearings to compose a random list of arbitrators, changes the basis for disqualification of an arbitrator from "bias" to "good cause for disqualification," increases the number of potential arbitrators listed in the "simplified selection" procedure and clarifies that disclosure and

challenge procedure applies, extends provisions on disobedience of a lawful order to entire arbitration proceeding, and revises time for filing a petition for interest, costs, and attorney's fees.

Title 1

California Code of Regulations

AMEND : 1304, 1321, 1323, 1342, 1350, 1351, 1371, 1390, 1392

Filed 08/23/00

Effective 09/22/00

Agency Contact:

Heather Cline Hoganson 322-2536

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders

—Erection and Dismantling of Tower Cranes

—Airborne Contaminants

This rulemaking makes concerns the erection and dismantling of Tower Cranes.

Title 8

California Code of Regulations

AMEND : 4966(a)

Filed 08/21/00

Effective 09/20/00

Agency Contact: Marley Hart (916) 274-5721

PHYSICIAN ASSISTANT COMMITTEE

Waiver of Initial License Fee

The Physician Assistant Committee is repealing the captioned section entitled "Waiver of Initial License Fee" due to the fact the statute changed in Stats. 1983, Ch. 1026.

Title 16

California Code of Regulations

REPEAL : 1399.551

Filed 08/22/00

Effective 09/21/00

Agency Contact:

Glenn Mitchell 916-263-2670 ext. 203

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN APRIL 19, 2000
TO AUGUST 23, 2000**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

08/23/00 AMEND : 1304, 1321, 1323, 1342, 1350, 1351, 1371, 1390, 1392

Title 2

08/15/00 ADOPT : 2270, 2271

07/18/00 AMEND : 18451, 18502.1, 18519.4, 18530.1, 18530.7, 18531.1, 18531.3, 18541, 18550, 18626, 18700, 18944.2

07/17/00 ADOPT : 1859.71.1, 1859.78.3 AMEND : 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.50, 1859.51, 1859.60, 1859.61, 1859.70, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.1, 1859.78.2, 1859.81, 1859.81.1, 1859.82, 1859.90, 1859.100, 1859.101

06/26/00 ADOPT : 1859.73.1, 1859.74.2, 1859.75.1, 1859.77.2, 1859.78.2, 1859.105.1 AMEND : 1859.1, 1859.2, 1859.13, 1859.14, 1859.16, 1859.20, 1859.21, 1859.30, 1859.32, 1859.33, 1859.35, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.74

06/15/00 AMEND : 1897

06/06/00 REPEAL : 599.799.1, 599.799.2

05/30/00 ADOPT : 57800

05/09/00 AMEND : 560

05/08/00 AMEND : 575.1

05/04/00 ADOPT : 575.2

04/20/00 AMEND : 18427.1

Title 3

08/16/00 AMEND : 3591.13(a)

08/15/00 AMEND : 6000, 6454

07/25/00 AMEND : 3423(b)

07/25/00 ADOPT : 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660

07/17/00 AMEND : 1380.19, 1428.17

07/14/00 AMEND : 1446.1, 1446.4, 1446.9, 1454.4, 1454.10, 1454.16, 1462.9, 1462.10

07/13/00 AMEND : 1656

06/22/00 AMEND : 1380.4, 1380.12

06/15/00 ADOPT : 759.4 AMEND : 759

06/15/00 AMEND : 1436.12

06/14/00 ADOPT : 1358.5 AMEND : 1354, 1357, 1358, 1358.2, 1358.4

06/14/00 AMEND : 3591.16(a)

06/08/00 AMEND : 3417(b)

06/01/00 AMEND : 3425

05/23/00 AMEND : 1280.2

05/17/00 AMEND : 1392.8.1

05/10/00 AMEND : 1280.2

05/04/00 AMEND : 1380.19

04/26/00 ADOPT : 6147

04/25/00 AMEND : 1408.13, 1408.14
04/20/00 AMEND : 3417(b)

Title 4

08/16/00 AMEND : TB 117
04/25/00 AMEND : 1846.5

Title 5

08/03/00 ADOPT : 76220, 76230, 76240
07/14/00 ADOPT : 53301, 53308, 53309, 53310
AMEND : 51025, 53302, 53311, 53312,
53314 REPEAL : 53310
06/26/00 AMEND : 30950
06/21/00 ADOPT : 80430.2
06/21/00 ADOPT : 80071.5
06/01/00 ADOPT : 30950, 30951, 30952, 30953,
30954, 30956, 30957, 30958
05/31/00 ADOPT : 80005 AMEND : 80004
05/26/00 AMEND : 850, 850.5, 853, 854, 855, 857,
858, 861, 862, 864.5, 866, 867.5, 868,
870, 880, 882, 883, 884, 890, 891, 892,
894, 895, 896, 899, 901 REPEAL : 856,
860, 869, 871, 872, 873, 885, 889, 900,
902, 903, 904
05/23/00 AMEND : 80066
05/19/00 AMEND : 42723
05/08/00 ADOPT : 20300, 20301, 20302, 20303,
20304, 20305, 20306, 20307, 20308,
20309, 20310, 20311, 20312, 20313,
20314, 20315, 20316, 20317, 20318,
20319, 20320, 20321, 20322, 20323,
20324, 20325, 20326, 20327, 20328,
20329, 20330, 20331, 20332
05/08/00 AMEND : 58620
05/02/00 ADOPT : 11700.1, 11704, 11705
04/28/00 AMEND : 18070, 18081
04/21/00 AMEND : 80071.4 REPEAL : 80096,
80097, 80256, 80280
04/19/00 ADOPT : 59010 AMEND : 59011

Title 8

08/22/00 AMEND : 9990
08/21/00 AMEND : 4966(a)
08/04/00 AMEND : 3207, 3207.1
07/26/00 AMEND : 2940.2, 2940.6, 2941, Article
36, Appendix C
07/21/00 AMEND : 4307.1
07/10/00 AMEND : 334
06/27/00 AMEND : 103
06/27/00 REPEAL : Footnote (q) in Table AC-1 of
section 5155
06/27/00 AMEND : 3200
06/26/00 AMEND : 5198
06/26/00 ADOPT : 344.90
06/22/00 AMEND : Figures 1, 2, 3 of Appendix B
to Article 6
06/19/00 AMEND : 344, 344.1, 344.2

06/15/00 ADOPT : 15601, 15604 AMEND :
15600, 15602, 15603, 15605, 15606,
15607, 15608

06/13/00 AMEND : 15430

06/07/00 AMEND : 4322

05/24/00 AMEND : 1532.1(f)

05/22/00 AMEND : 417.1

05/11/00 AMEND : 334, 336

05/05/00 ADOPT : 51700, 51710, 51715, 51720,
51725, 51730, 51735, 51740 AMEND :
32011, 32700, 32990, 32991, 32992,
32993, 32994, 32995, 32996, 32997

05/04/00 ADOPT : 16410, 16411, 16412, 16413,
16414

04/28/00 AMEND : 5110

04/27/00 AMEND : 3292(d)(1), 3294(i)

Title 9

07/18/00 AMEND : 58620

Title 10

08/14/00 AMEND : 1300.68 REPEAL :
1300.68.01

08/14/00 ADOPT : 1300.68.01 AMEND : 1300.68

07/25/00 ADOPT : 2498.6

07/18/00 AMEND : 1300.43.3, 1300.43.6,
1300.43.10, 1300.43.12, 1300.43.13,
1300.43.14, 1300.43.15, 1300.45,
1300.47, 1300.51, 1300.51.1, 1300.51.2,
1300.51.3, 1300.52, 1300.52.1,
1300.52.3, 1300.52.4, 1300.61,
1300.61.3, 1300.63, 1300.63.1,
1300.63.2, 1300.63.3

07/17/00 AMEND : 2699.6500, 2699.6600;
2699.6705; 2699.6713, 2699.6721,
2699.6813

07/17/00 ADOPT : 5356.1 AMEND : 5350

07/10/00 AMEND : 2699.100, 2699.200,
2699.201, 2699.400

07/07/00 ADOPT : 2698.70, 2698.71, 2698.72,
2698.73, 2698.74, 2698.75, 2698.76,
2698.77

06/20/00 AMEND : 2699.6500, 2699.6800,
2699.6805, 2699.6809

06/16/00 ADOPT : 2699.6801 AMEND :
2699.6500, 2699.6600, 2699.6603,
2699.6607, 2699.6611, 2699.13,
2699.6625, 2699.6800, 2699.6903

06/15/00 AMEND : 3543, 3582, 3681, 3682, 3761

06/06/00 AMEND : 260.236

05/31/00 AMEND : 5750, 5750.1, 5750.2, 5750.3,
5750.5, 5750.6, 5750.8

05/30/00 ADOPT : 1300.68.01 AMEND : 1300.68

05/30/00 ADOPT : 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5

05/11/00 ADOPT : 6200, 6201, 6202, 6203, 6204,
6205, 6206, 6207

05/09/00 AMEND : 260.105.11

05/01/00 AMEND : 1722, 1723 REPEAL : 1725

Title 11

08/10/00 AMEND : 1001, 1002, 1004, 1005,
Procedure: D-2, F-6

07/21/00 AMEND : 1003

07/21/00 AMEND : 1005

07/10/00 ADOPT : 313, 314, 315, 316, 317, 318,
319, 320, 321, 322, 323, 324, 325, 326,
327

06/29/00 ADOPT : 968.10, 968.11, 968.12, 968.20,
968.30, 968.31, 968.32, 968.33, 968.34,
968.35, 968.36, 968.40, 968.41, 968.42,
968.43, 968.44, 968.45, 968.46, 968.47,
968.48, 968.50, 968.60, 968.70, 968.71,
968.80, 968.90, 968.91, 968.95

06/12/00 AMEND : 1081(a)(20), 1007(c)

06/05/00 ADOPT : 999.5 AMEND : 999.2 and
999.5(a)(3) REPEAL : 999.5

06/02/00 ADOPT : 1053(a)(1) AMEND : 1054

Title 13

08/03/00 ADOPT : 2262, 2262.3, 2262.6 AMEND
: 2260, 2261, 2262.1, 2262.5, 2263,
2263.7, 2264, 2264.2, 2265, 2266,
2266.5, 2267, 2268, 2269, 2270, 2271,
2272 REPEAL : 2262.2, 2262.3, 2262.4,
2262.6, 2262.7, 2264.4

08/02/00 ADOPT : 115.09 , 115.10

07/11/00 AMEND : 1202

07/10/00 ADOPT : 2443.3

06/28/00 ADOPT : 77.00, 77.05, 77.10, 77.15,
77.16, 77.17

06/08/00 ADOPT : 200.00

06/05/00 AMEND : 15.00

05/25/00 AMEND : 1

Title 14

08/17/00 AMEND : 7.50(b)(189.5)

08/16/00 AMEND : 231

08/11/00 AMEND : 2000, 2045, 2055, 2235, 2240,
2305, 2310, 2320, 2430, 2540

08/10/00 ADOPT : 18570, 18571, 18572, 18573,
18574, 18578, 18576, 18577, 18578,
18579, 18580

07/31/00 ADOPT : 17367, 17368, 17369, 17370.1,
17370.2, 18225

07/25/00 AMEND : 1612.2

07/20/00 AMEND : 2125, 2650 REPEAL : 2655

07/14/00 AMEND : 120.3, 180.1

07/13/00 AMEND : 10703(a)

07/11/00 AMEND : 17946.5

07/11/00 AMEND : Div 5, Appendix D

07/11/00 AMEND : 11900

07/06/00 ADOPT : 2135 REPEAL : 2140

07/06/00 ADOPT : 2690 AMEND : 2075, 2090,
2105, 2125, 2425, 2530, 2650

07/05/00 AMEND : 2420, 2425, 2955

06/30/00 AMEND : 795(a)(2)(B), FGOSPR-1929
Form

06/29/00 ADOPT : 17990, 17991, 17992.1,
17992.2, 17992.3, 17992.4, 17993.1,
17993.2, 17993.3, 17993.4, 17993.5,
17993.6, 17993.7, 17994.1, 17994.2,
17994.3

06/28/00 AMEND : 7.50(b)(91.1)

06/22/00 AMEND : 3.00 & 7.50(b)(b2)

06/13/00 ADOPT : 182

06/12/00 AMEND : 28.55

06/06/00 AMEND : 670.2

06/02/00 ADOPT : 155

05/31/00 AMEND : 1037.3, 1037.5, 1090.17,
1092.16, 1092.18, 1092.27

05/31/00 ADOPT : 916.9, [936.9, 956.9], 916.11,
[936.11, 956.11], 916.12, [936.12,
956.12], 923.9, [943.9, 963.9] AMEND :
895, 895.1, 898.2, 914.8, [934.8, 954.8],
916, [936, 956], 916.2, [936.2, 956.2],
923.3, [943.3, 963.3]

05/31/00 AMEND : 149

05/24/00 AMEND : 19032

05/16/00 AMEND : 2516, 2517, 2518, 2519, 2530

05/03/00 ADOPT : 120.4, 180.3 AMEND : 120.3,
180.1

05/03/00 AMEND : 11945

05/01/00 AMEND : 3712

04/27/00 AMEND : 27.80

Title 15

07/14/00 AMEND : 7001

07/14/00 ADOPT : 6000, 6001, 6002, 6003, 6010,
6011, 6020, 6021, 6022, 6023, 6024,
6025, 6026, 6027, 6028, 6029, 6030,
6040, 6041, 6050, 6060, 6061, 6062,
6063, 6070

06/29/00 AMEND : 5000, 5005, 5006, 5007, 5008,
5009, 5010, 5051, 5060, 5100, 5101,
5102, 5103, 5105, 5125, 5126, 5127,
5128, 5129, 5130, 5131, 5132, 5133,
5151, 5152, 5153, 5154, 5170, 5171,
5172, 5173, 5174, 5175, 5180, 5181,
5182, 5183, 5184, 5185, 5200, 5201,

06/21/00 ADOPT : 3401.5

05/18/00 ADOPT : 3605

Title 16

08/22/00 REPEAL : 1399.551

08/15/00 AMEND : 1090

08/11/00 AMEND : 3005, 3031

07/25/00 AMEND : 1816, 1816.6, 1816.7

07/18/00 ADOPT : 2010.1, 2014.5 AMEND :
2010, 2011, 2014, 2015, 2015.1, 2017,
2018, 2020, 2022, 2024, 2025, 2070
REPEAL : 2019, 2026

07/14/00 ADOPT : 2630.1, 2630.2, 2630.3
AMEND : 2630

07/12/00 AMEND : 87.1

07/06/00 ADOPT : 1387.1, 1387.2, 1387.4
AMEND : 1387, 1387.3, 1387.5

07/01/00 ADOPT : 2526.1, 2530(1), 2534.1,
2581.1, 2585(1), 2588.1 AMEND : 2526,
2527(c), 2530(h)(k), 2533(f), 2575, 2581,
2582(c), 2585(h)(k), 2587(f)

06/27/00 ADOPT : 1399.663, 1399.681

06/26/00 ADOPT : 3394.6 AMEND : 3340.1,
3340.9, 3394.1, 3394.2, 3394.3, 3394.4,
3394.5 REPEAL : 3340.1, 3340.9

06/14/00 AMEND : 1444.5

06/12/00 ADOPT : 1714.1

06/01/00 ADOPT : 1707.4

05/31/00 ADOPT : 1073.2, 1073.3, 1079.2, 1079.3,
1090, 1090.1

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05/25/00 ADOPT : 2030.1, 2030.2, 2032 AMEND
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05/11/00 AMEND : 1399.550, 1399.553

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05/10/00 ADOPT : 2016, 2021.3, 2021.4, 2021.5,
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05/09/00 AMEND : 1399.525

05/09/00 ADOPT : 8, 88.1, 88.2 AMEND : 87,
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06/21/00 ADOPT : 1029.7, 1029.31, 1029.32,
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06/12/00 AMEND : 94011, 94153, 94155

05/17/00 ADOPT : 2800, 2802, 2804, 2806, 2808,
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05/10/00 ADOPT : 56103

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06/21/00 AMEND : 1371, 1372, 1373, 1374, 1375,
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08/14/00 AMEND : 51003, 51305, 51327, 51337,
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08/03/00 AMEND : 66260.10, 66262.34,
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08/03/00 AMEND : 2051-3

07/13/00 ADOPT : 1267-3

07/07/00 ADOPT : 41508, 41509, 41515.1,
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 06/19/00 AMEND : 51511, 51544
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 06/05/00 AMEND : 1088-1, 1088-2, 1088-3, 1114-1
 06/05/00 AMEND : 51003, 51160, 51321, 51521
 05/18/00 AMEND : 926-3, 926-4, 926-5
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 05/18/00 AMEND : 97232
 05/18/00 ADOPT : 80019.1, 80019.2, 87019.1, 87019.2, 87219.1, 101170.1, 101170.2, 102370.2 AMEND : 80019, 87019, 87219, 87819, 87819.1, 88019, 88019.02, 89034, 101170, 102369, 102370, 102370.1
 05/15/00 ADOPT : 4442.2 AMEND : 4400, 4412, 4442
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